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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,103	11/14/2005	Jacobus Henricus Diederer	903-153 PC'D/US	2411
23869 7590 07/28/2009 HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791				
EXAMINER				
LE'GESSE, HENOK D				
ART UNIT		PAPER NUMBER		
2861				
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07/28/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Continuation of 11.does NOT place the application in condition for allowance because:

Response to Arguments

1. Applicant's arguments filed on 07/10/2009 have been fully considered but they are not persuasive.

Applicant argued that the teachings of reference Hildenbrand can not be combined with Mochizuki, since Hildenbrand includes air bubble trap 26 in the manifold 12 which introduces air in to the ink and thus the modification of Mochizuki in view of Hildenbrand would destroy the purpose, intent and function of Mochizuki.

In response to applicant's argument that the teachings of Hildenbrand can not be bodily in to Mochizuki, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

Furthermore, Hildenbrand used in the rejection for its teachings of the open connection between the working container (12, fig.2) and the releasable flexible reservoir (10) that forms communicating vessels. That is there is no element such as valve/pump etc. added on the connection line between the two reservoirs. Even though, what the applicant argument above does not have any limitation to the teachings of Hildenbrand used in the rejection as discussed above. The examiner further argues that the presence of air bubble trap 26 in the

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manifold 12 is not to introduce air in to the ink rather to prevent the introduction of air in to the ink from the ink tubes/lines and from air bubble that might be created in manifold 12 due to ink flowing operations by trapping the air bubbles and venting them out through the cap 27. The printing device of Hildenbrand the same was at Mochizuki requires the prevention of introduction of air in to ink (col. 3, lines 33-62; col. lines 26-28).

Applicant reminded that in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Applicant further reminded that in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to HENOK LEGESSE whose telephone number

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is (571)270-1615. The examiner can normally be reached on Mon.- Fri.

Between. 8:00 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, MATTHEW LUU can be reached on (571)272-7663. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/MATTHEW LUU/
Supervisory Patent Examiner, Art
Unit 2861

H.L.
July 24, 2009